all rauvshed with gladnes, holdynge his eien and handes vp towarde heuen, abraided, saying with a loude voice, * O merciful! God, howe moche am I, aboue all other men, bounde to your infinite goodnes, specially for that ye haue gyuen me a iuge, who feareth nat to minister iustyce, and also a sonne, who can suffre semblably, and obeye iustyce! '"

And here it may "be noted, that Shakspeare has deviated from history in bringing the Chief Justice and Henry V. together, for it is expressly said by Fuller, in his Worthies of Yorkshire, and that on the best authority, that Gascoigne died in the life-time of his father, viz. on the first day of November, 14 Henry IV. See Dugd. Origines Iuridic. in the Chronica Series, fol. 54, 56. Neither is it to be presumed but that this laboured defence of his conduct is a fiction of the poet: and it may justly be inferred from the character of this very able lawyer, whose name frequently occurs in the year-book of his time, that, having had spirit and resolution to vindicate the authority of the law, in the punishment of the prince, he disdained a formal apology for an act that is recorded to his honour. SIR J. HAWKINS.

In the foregoing account of this transaction, there is no mention of the Prince's having *struck* Gascoigne, the Chief Justice. Holinshed, however, whom our author copied, speaking of the ** wanton pastime " in which Prince Henry passed his youth, says, that " where on a time *hee stroke the chiefe iustice on the face with his fiste*, for emprisoning one of his mates, he was not only committed to straighte prison himselfe by the sayde chief iustice, but also of his father put out of the privie counsell and banished the courte." Holinshed has here followed Flail. Our author (as an anonymous writer has observed) [Mr. Ritson] might have found the same circumstance in the old play of King Henry V.

With respect to the anachronism, Sir William Gascoigne certainly died before the accession of Henry V. to the throne, as appears from the inscription which was once legible on his tomb-stone, in Harwood church, in Yorkshire, and was as follows: " Hic iacet Wil'mus Gascoigne, nuper capit. iustic. de banco, Hen. nuper regis Angliæ quarti, qui quidem Wil'mus ob. die domi'ca 17.a die Decembris. an doncu 1412, 14.to Henrici quarti, factus index, 1491." See Gent. Magazine, vol. li. p. 624,

^ Shakspeare, however, might have been misled on the authority of Stowe, who in a marginal note, 1 Henry V. erroneously asserts that " William Gascoigne was chief justice of the Kings Bench from the *sixt* of Henry IV. to the *third* of Henry the Fift:" or, (which is full as probable,) Shakspeare might have been careless about the matter. MALONE.